



General Assembly

January Session, 2011

Raised Bill No. 970

LCO No. 3453

03453 _____ PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING WORKPLACE VIOLENCE PREVENTION AND RESPONSE IN HEALTH CARE SETTINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2011*) (a) As used in this section
2 and sections 2 to 4, inclusive, of this act:

3 (1) "Health care employer" means any institution, as defined in
4 section 19a-490 of the general statutes, with fifty or more full or part-
5 time employees and includes a facility for the care or treatment of
6 mentally ill persons or persons with substance abuse issues, a
7 residential facility for persons with intellectual disability licensed
8 pursuant to section 17a-227 of the general statutes, and a community
9 health center, as defined in section 19a-490a of the general statutes; and

10 (2) "Health care employee" means any individual employed by a
11 health care employer.

12 (b) Each health care employer shall immediately establish and
13 convene an ongoing workplace safety committee to address issues
14 related to worker health and safety. A health care employer's

15 workplace safety committee shall be comprised of representatives from
16 the administration, physician, nursing and other direct patient care
17 staff, security personnel and any other staff deemed appropriate by
18 those appointing the committee membership. Not less than fifty per
19 cent of the committee membership shall be comprised of non-
20 management employees, who shall be appointed by the employees'
21 respective bargaining unit representatives, when applicable, or by the
22 employer's designee in cases when no bargaining unit exists. Each
23 health care employer shall designate one or more persons who shall be
24 responsible for appointing the committee membership other than
25 those members appointed by employee bargaining units as provided
26 for in this subsection. The committee shall select chairpersons from
27 among its membership. The committee shall meet not less than
28 quarterly and shall make available meeting minutes and other records
29 from its proceedings to all employees.

30 (c) On and after October 1, 2011, and annually thereafter, each
31 health care employer shall undertake a risk assessment of all factors,
32 which may put any health care employee at risk for being a victim of
33 workplace violence, including the possibility of being a victim of an
34 assault or homicide. The assessment shall be undertaken in
35 cooperation with health care employees, the workplace safety
36 committee and any labor organization representing health care
37 employees of the health care employer. The risk assessment shall give
38 due consideration to factors that include, but are not be limited to: (1)
39 The physical attributes of the facility including access control, egress
40 control, door locks, lighting and alarm systems; (2) whether employees
41 are working in public settings; (3) security requirements that involve
42 guarding or maintaining property or possessions; (4) whether the
43 facility is located in a statistically high-crime area; (5) whether
44 employees work in areas where medications are stored or money is
45 kept; (6) late night or early morning work hours; (7) whether
46 employees work alone or in small numbers; (8) whether there is
47 uncontrolled public access to the workplace; and (9) whether
48 employees are working in areas where people are in crisis, where

49 patients or residents exhibit violent or erratic behavior, or where there
50 is a staffing pattern that is insufficient to address foreseeable risk
51 factors.

52 (d) Based on the findings of the risk assessment undertaken
53 pursuant to subsection (c) of this section, on or before January 1, 2012,
54 and on or before each January first thereafter, each health care
55 employer, in collaboration with the workplace safety committee, shall
56 develop and implement a written workplace violence prevention and
57 response plan. The plan shall identify factors which may endanger and
58 are present with respect to each employee; a description of the
59 methods that the health care employer shall use to alleviate hazards
60 associated with each factor, including any required changes in job
61 design, staffing, security, equipment or facilities; and a description of
62 the employer's workplace violence reporting and monitoring system.
63 The plan shall include appropriate health care employee training and a
64 system for the ongoing reporting and monitoring of incidents and
65 situations involving workplace violence or the risk of violence. Each
66 health care employer shall develop an annual employee public safety
67 training program and new employee orientation that includes
68 instruction on: (1) The filing of reports with appropriate public safety
69 officials, bodies or agencies, as necessary; (2) the process for the filing
70 of criminal charges, when necessary; and (3) all public safety policies
71 enacted by the health care employer. The workplace violence
72 prevention and response plan shall be available to all health care
73 employees, provided to an individual health care employee upon
74 request and provided to any labor organization representing health
75 care employees at the facility. In developing the plan, the health care
76 employer may consider any guidelines on workplace violence in
77 health care settings issued by the federal Occupational Safety and
78 Health Administration, the federal Centers for Medicare and Medicaid
79 Services, the Department of Public Health, the Labor Department and
80 hospital accrediting organizations.

81 (e) No health care employer may penalize or otherwise retaliate

82 against a health care employee in any way as a result of such
83 employee's filing of a complaint or report as provided for in subsection
84 (d) of this section.

85 (f) No health care employer shall require a health care employee to
86 treat or provide services to a patient who the employer knows to have
87 verbally or physically abused or threatened the employee.

88 (g) The Labor Commissioner shall adopt regulations in accordance
89 with the provisions of chapter 54 of the general statutes necessary to
90 carry out the purposes of this section, including, but not limited to,
91 regulations related to workplace violence reporting and monitoring
92 systems and health care employer training programs.

93 Sec. 2. (NEW) (*Effective October 1, 2011*) A health care employer shall
94 report any act which may constitute an assault or related offense as
95 described in part V of chapter 952 of the general statutes, or any act
96 that involves the use of a firearm, as defined in section 53a-3 of the
97 general statutes, or other dangerous instrument, as defined in section
98 53a-3 of the general statutes, against a health care employee acting in
99 the performance of his or her duties, to such employer's local law
100 enforcement agency and to the Department of Public Health not later
101 than twenty-four hours after the occurrence of the act.

102 Sec. 3. Section 53a-167c of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective October 1, 2011*):

104 (a) A person is guilty of assault of public safety, emergency medical,
105 [or] public transit or health care personnel when, with intent to
106 prevent a reasonably identifiable peace officer, special policeman
107 appointed under section 29-18b, motor vehicle inspector designated
108 under section 14-8 and certified pursuant to section 7-294d, firefighter
109 or employee of an emergency medical service organization, as defined
110 in section 53a-3, emergency room physician or nurse, health care
111 employee as defined in section 1 of this act, employee of the
112 Department of Correction, member or employee of the Board of

113 Pardons and Paroles, probation officer, employee of the Judicial
114 Branch assigned to provide pretrial secure detention and
115 programming services to juveniles accused of the commission of a
116 delinquent act, employee of the Department of Children and Families
117 assigned to provide direct services to children and youths in the care
118 or custody of the department, employee of a municipal police
119 department assigned to provide security at the police department's
120 lockup and holding facility, active individual member of a volunteer
121 canine search and rescue team, as defined in section 5-249, or public
122 transit employee from performing his or her duties, and while such
123 peace officer, special policeman, motor vehicle inspector, firefighter,
124 employee, physician, nurse, member, probation officer or active
125 individual member is acting in the performance of his or her duties, (1)
126 such person causes physical injury to such peace officer, special
127 policeman, motor vehicle inspector, firefighter, employee, physician,
128 nurse, member, probation officer or active individual member, or (2)
129 such person throws or hurls, or causes to be thrown or hurled, any
130 rock, bottle, can or other article, object or missile of any kind capable of
131 causing physical harm, damage or injury, at such peace officer, special
132 policeman, motor vehicle inspector, firefighter, employee, physician,
133 nurse, member, probation officer or active individual member, or (3)
134 such person uses or causes to be used any mace, tear gas or any like or
135 similar deleterious agent against such peace officer, special policeman,
136 motor vehicle inspector, firefighter, employee, physician, nurse,
137 member, probation officer or active individual member, or (4) such
138 person throws or hurls, or causes to be thrown or hurled, any paint,
139 dye or other like or similar staining, discoloring or coloring agent or
140 any type of offensive or noxious liquid, agent or substance at such
141 peace officer, special policeman, motor vehicle inspector, firefighter,
142 employee, physician, nurse, member, probation officer or active
143 individual member, or (5) such person throws or hurls, or causes to be
144 thrown or hurled, any bodily fluid including, but not limited to, urine,
145 feces, blood or saliva at such peace officer, special policeman, motor
146 vehicle inspector, firefighter, employee, physician, nurse, member,

147 probation officer or active individual member. For the purposes of this
 148 section, "public transit employee" means a person employed by the
 149 state, a political subdivision of the state, a transit district formed under
 150 chapter 103a or a person with whom the Commissioner of
 151 Transportation has contracted in accordance with section 13b-34 to
 152 provide transportation services who operates a vehicle or vessel
 153 providing public rail service, ferry service or fixed route bus service or
 154 performs duties directly related to the operation of such vehicle or
 155 vessel.

156 (b) Assault of public safety, emergency medical, [or] public transit
 157 or health care personnel is a class C felony. If any person who is
 158 confined in an institution or facility of the Department of Correction is
 159 sentenced to a term of imprisonment for assault of an employee of the
 160 Department of Correction under this section, such term shall run
 161 consecutively to the term for which the person was serving at the time
 162 of the assault.

163 Sec. 4. (NEW) (*Effective October 1, 2011*) On or before January 1, 2013,
 164 and annually thereafter, the Department of Public Health shall report
 165 in accordance with the provisions of section 11-4a of the general
 166 statutes, to the joint standing committees of the General Assembly
 167 having cognizance of matters relating to public health, labor and
 168 public employees and the judiciary on the incidents of workplace
 169 violence reported by health care employers to the department. The
 170 department shall also make such report available to the public on the
 171 department's web site.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	53a-167c
Sec. 4	<i>October 1, 2011</i>	New section

Statement of Purpose:

To: (1) Require health care employers to develop and implement plans and training programs related to workplace violence prevention and response, (2) require health care employers to report on incidents of workplace violence to the local law enforcement agencies and the Department of Public Health, (3) establish criminal penalties for assault of a health care employee, and (4) require the Department of Public Health to report to the General Assembly and the public at large on incidents of workplace violence.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]